



Public Notice

Applicant:

Charles J. Riggio, M.D.

Date:

Published: February 2, 2004

Expires: March 3, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 2004-00099(0) **Section:** NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Dr. Charles Riggio, 5301 Willow Lake Court, Clarence, New York 14031, has applied for a Department of the Army permit to discharge fill material into a pond adjacent to Got Creek, and into the creek itself, in connection with reclaiming land that has been lost to erosion over the years at the pond, and in connection with protecting the pond banks, and part of the creek channel bank, in the Town of Clarence, Erie County, New York.

The applicant is proposing to cut back the existing pond banks, to form a stable shelf for proposed fill. About 180 linear feet of the pond banks shall be filled. The applicant proposes to place a total of about 198 cubic yards of fill and riprap along the pond banks, with about 141 cubic yards of this material placed below the Ordinary High Water Level of the pond.

The applicant also proposes to dredge the existing pond. The Corps of Engineers does not have Regulatory Jurisdiction over this dredging activity. This dredged material shall be placed at an upland site. This material may have to be placed up on the bank, in order to dewater, before being removed to the upland site.

In addition, the applicant is proposing to place protective fill along about 21 feet of the bank of Got Creek. This fill will be placed on both the applicant's waterfront property and his neighbor's waterfront property. About 25 cubic yards of fill and riprap will be placed along this bank, with about 6.2 cubic yards placed below the Ordinary High Water Level of the creek.

The banks of the pond and creek will also be planted with red-osier dogwood, streamco willow, and silky dogwood.

If necessary, the applicant shall extend an existing drain pipe at the bank into Got Creek. Some minor filling may be required for this extension.

The proposed fill will be installed along the pond banks to reclaim land lost to erosion, and to protect the pond banks. The proposed fill installed at the bank of Got Creek is to protect the bank. The purpose of the dredging is to deepen the pond and help prevent erosion of the

banks.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mel R. Schroeder, who can be contacted by calling (716) 879-4307, or by e-mail at: mel.r.schroeder@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Mel R. Schroeder, or by e-mail at: mel.r.schroeder@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

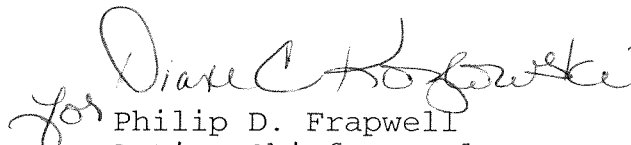
Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

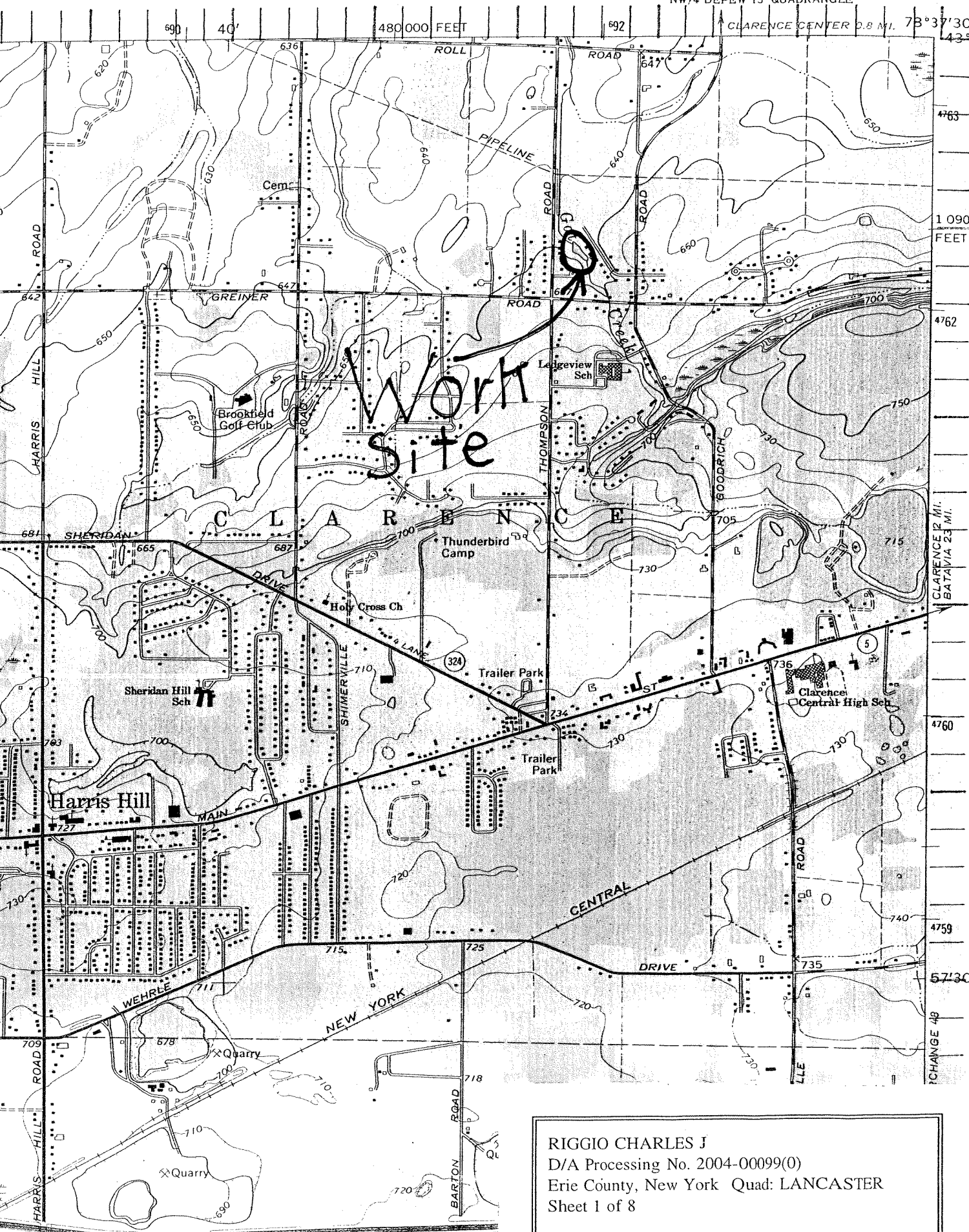
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments

received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


for Philip D. Frapwell
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



RIGGIO CHARLES J
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Erie County, New York Quad: LANCASTER
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Overall Plan
View of
Work Site
(Not To
Scale)

THOMPSON

60' WIDE

RD.

COURT

60' WIDE

LAKE

MOTION

N

Area of
Bank Protection

Area of
Additional
Bank Protection

BEAM SITE

SUBLOT
12
COVER 2153

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AREA
TO
BE
DRAINED

GOTT CREEK

WALTON LAKE

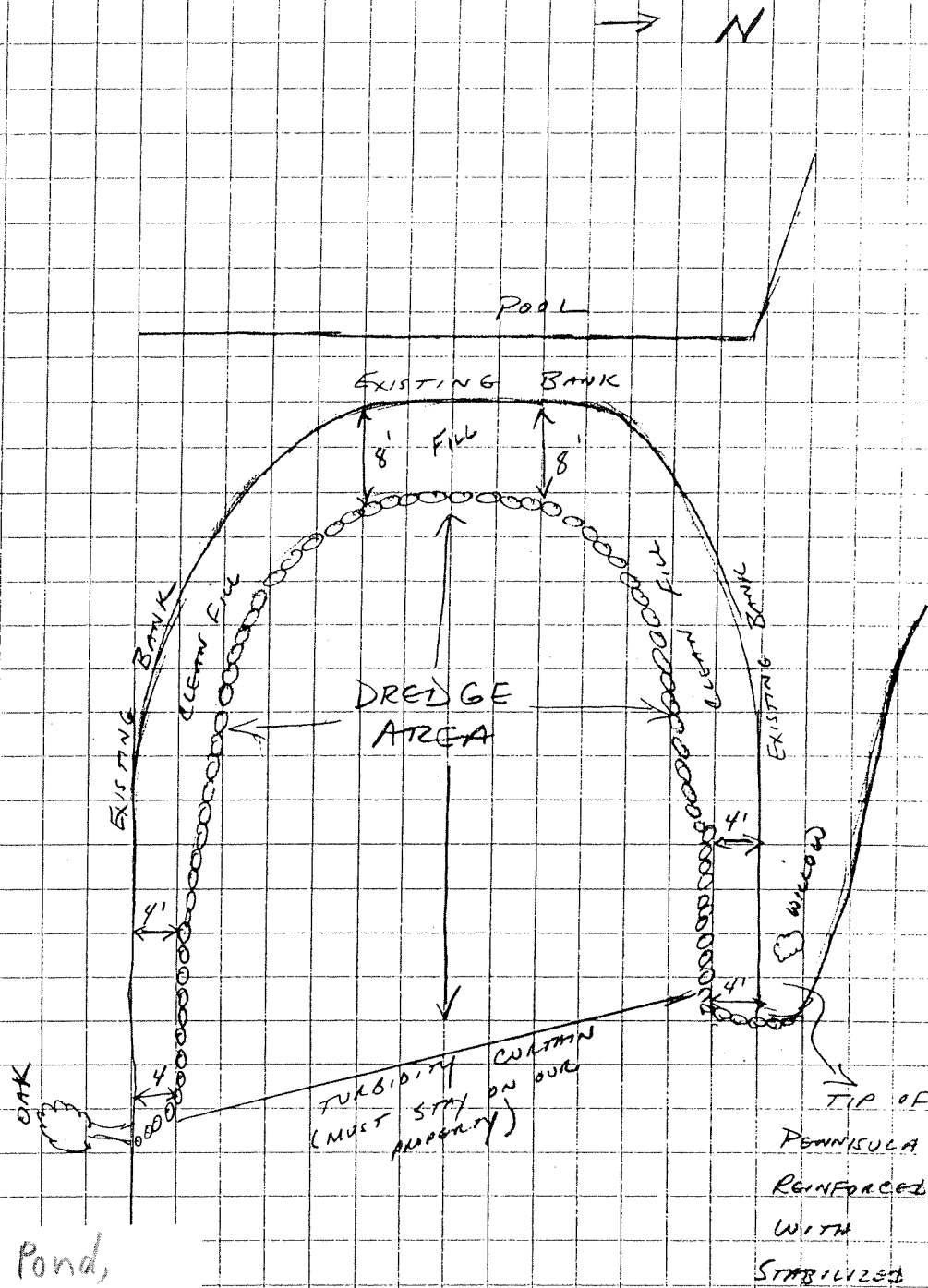
D=SET IRON PIPE
B=FOUND IRON PIPE

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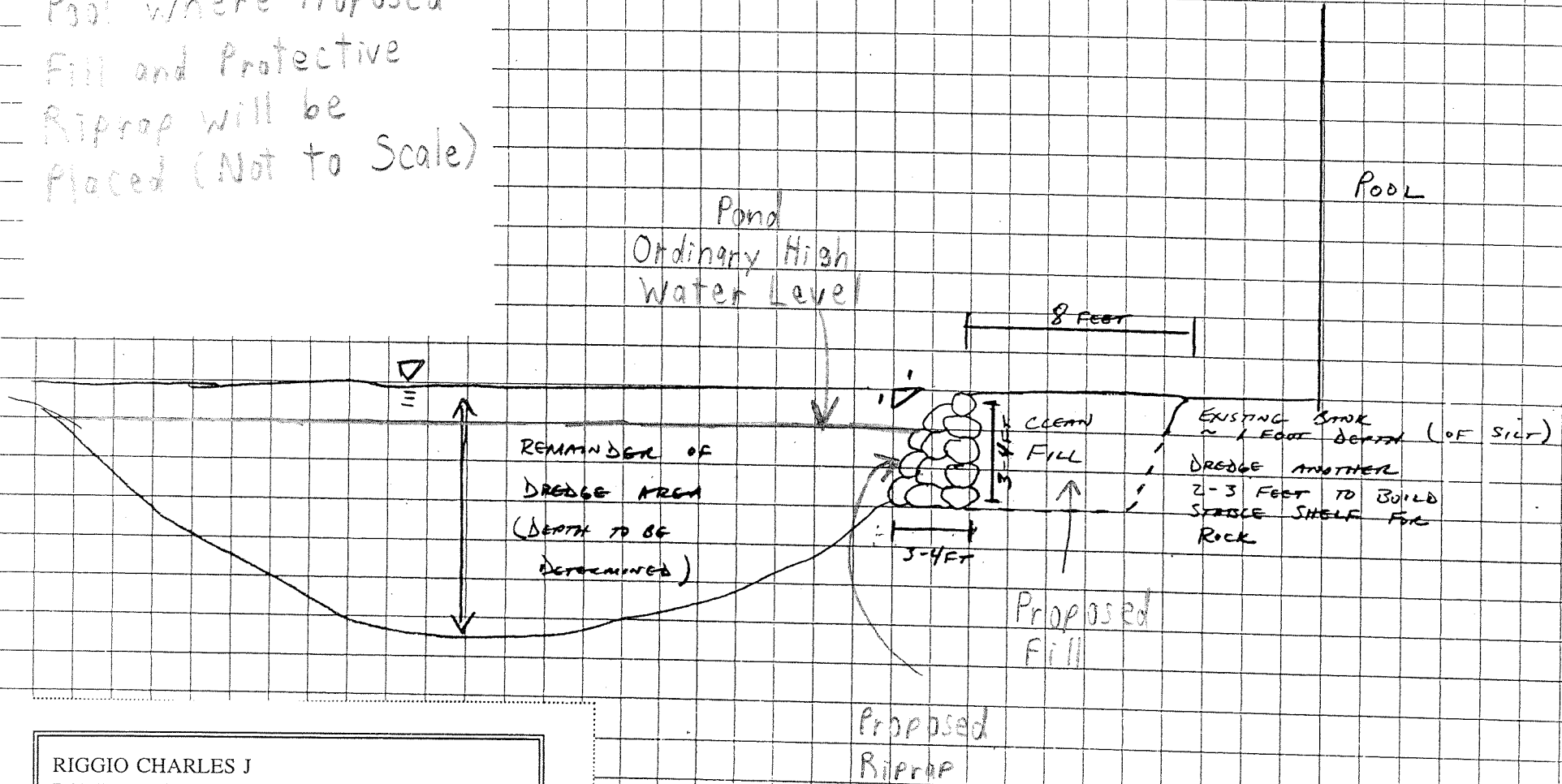
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Plan View of Pond,
Showing Areas of Bank
Reclaiming and Area
of Dredging (Not
to Scale)

WEST BANK BY POOL

Cross-Section View of
Pond Bank Adjacent to
Pool Where Proposed
Fill and Protective
Riprap will be
Placed (Not to Scale)

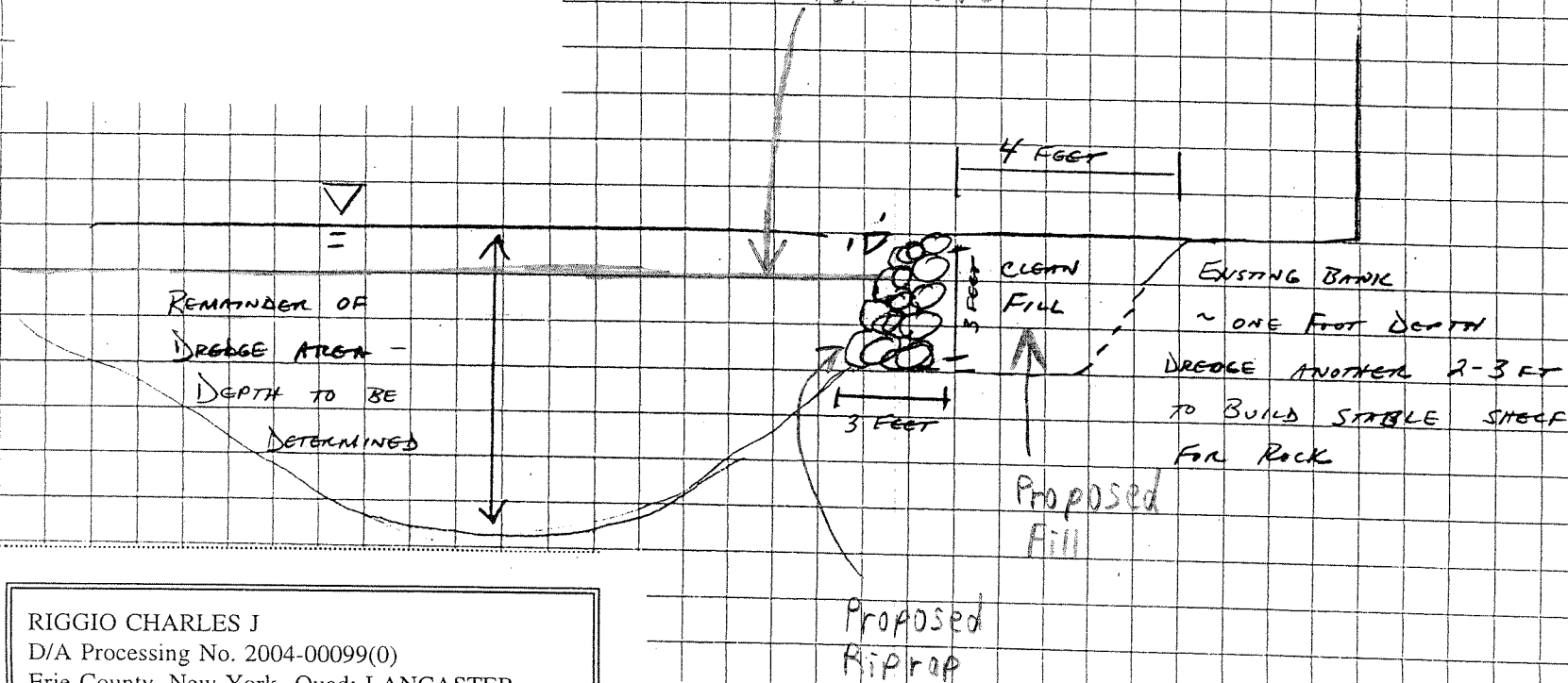


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NORTH AND SOUTH BANK

Cross-Section View
of Pond Bank Where
Proposed Fill and
Protective Riprap
Will be Placed
(Not To Scale)

Pond
Ordinary High
Water Level

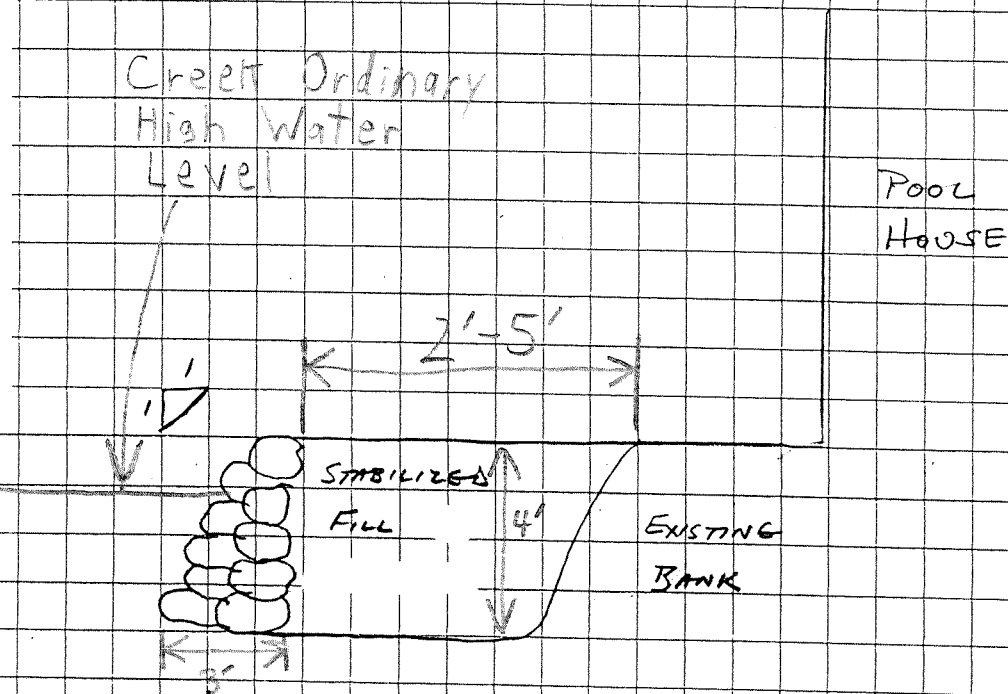


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PROFILE
NORTH/SOUTH BANK

AREA BEHIND POOL HOUSE

Cross-Section View
of Creek Bank Behind
Pool House Where
Fill and Protective
Riprap will be
placed (Not to Scale)



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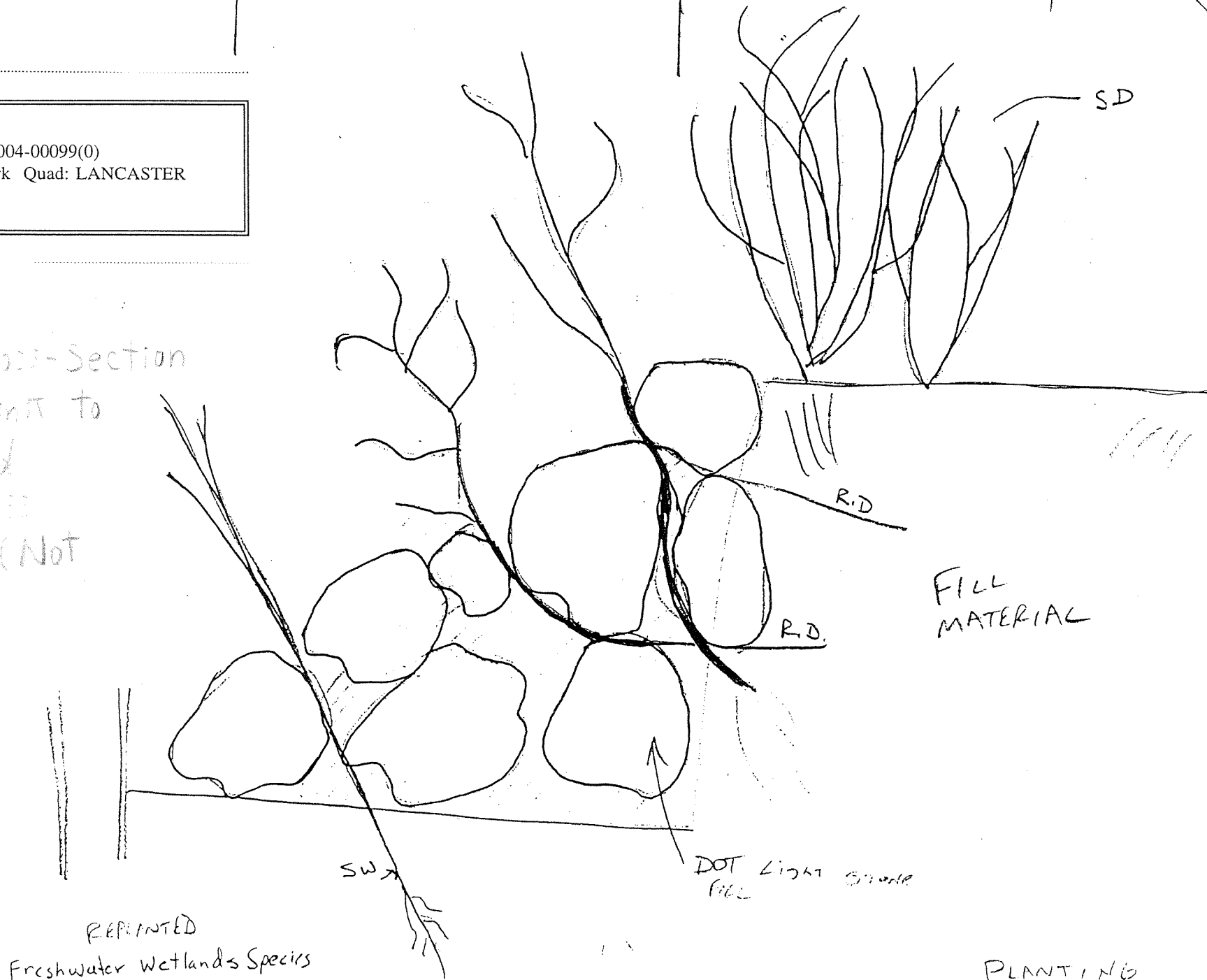
PROFILE
BEHIND POOL
HOUSE

RED-osier Dogwood (RD)
STREAMCO WILLOW (SW)

SILKY Dogwood (SD)

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Typical Cross-Section
View of Bank to
be repaired
After Fill is
Installed (Not
to Scale)



REPLANTED
Freshwater Wetlands Species

PLANTING
PLAN